



2/2/05

Attorney's Docket No.: 12967-002001 / 997047-06 (TM/it)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tomohiro Kawase et al. Art Unit : 1765
Serial No. : 09/824,965 Examiner : Robert Kunemund
Filed : April 3, 2001
Title : METHOD OF PREPARING GROUP III-V COMPOUND SEMICONDUCTOR
CRYSTAL

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

file processed

INFORMATION DISCLOSURE STATEMENT

This reissue application recently has been returned to the Examiner from the Board of Patent Appeals and Interferences. Junior party Liu (AXT) Corporation abandoned the Interference Proceeding on December 14, 2004, pursuant to a confidential settlement which led to an agreement, award of priority to the present reissue applications. (Attachments 1 and 2).

Shortly before conceding the interference, Liu filed two motions for judgment, containing allegations (1) that the present reissue application lacks a written description to support certain claims (Attachment 3) and (2) that certain claims are unpatentable over prior art (Attachment 4). Those motions were not considered by the Board, because Liu conceded priority. Copies of each of these motions are submitted herewith so that the examination of the present application can be completed.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 4, 2005

Date of Deposit

Autumn J.S. Hwang

Signature

Autumn J.S. Hwang

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Applicant notes that (1) the present Examiner considered the support for all of the claims in the present application before the interference was declared and (2) that the motion asserting unpatentability over prior art is—in essence—AXT's fourth prior art based protest against the present application, which in itself suggests the unobviousness of the claimed invention.

Applicants also note that prior art has been cited by an opposer to Applicants' counterpart European Patent No. 0803593. Details of the opposition can be found on the EPO website.

The U.S. and non-US patent references cited in the U.S. interference motion and the European are listed in the accompanying form PTO/SB/08A and copies of foreign patent references are being submitted herewith. Non-patent publications cited in those proceedings are listed in the accompanying form PTO/SB/08B and copies are being submitted herewith. The submissions of these references for the Examiner's review and the record are not admissions by the Applicants that any of these references are prior art to the invention of U.S. Application No. 09/824,965.

In addition to Liu's prior art based motion, Liu filed a 514 page claim chart, in an apparent attempt to circumvent the Patent Law Judge's ruling limiting the number of pages for the motion. Applicants' attorneys consider the duty of disclosure is fully satisfied by providing the prior art. In an abundance of caution and to assist the Examiner, Applicants also have provided herewith copies of Liu's motions, although the duty does not require its filing. Liu's 514 page claim chart is available in the file of Interference No. 105,237 or a copy will be sent to the Examiner by the Applicants' undersigned attorneys upon request.

Please apply any charges or credits to Deposit Account No. 06-1050.

Applicant : Tomohiro Kawase et al.
Serial No. : 09/824,965
Filed : April 3, 2001
Page : 3 of 3

Attorney's Docket No.: 12967-002001 / 997047-06
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Respectfully submitted,

Date: February 4, 2005

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